

3711  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Michael J. Sullivan  
FOR : IMPROVED MULTI-LAYER  
GOLF BALL  
SERIAL NO. : 09/121,628  
FILED : July 23, 1998  
EXAMINER : M. Graham (of the parent)  
ART UNIT : 3304 (of the parent)  
LAST OFFICE ACTION : N/A  
ATTORNEY DOCKET NO. : SLD 2 035-1-1-1



RECEIVED

OCT - 6 1998

TECHNOLOGY CENTER 3700

Cleveland, Ohio 44114  
September 28, 1998

Supplemental Communication

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

This communication is presented to provide additional evidence of the nonobviousness of the claimed subject matter. The commercial embodiment of the present invention is the Top-Flite® Strata™ golf ball. Spalding, Top-Flite's parent company, has experienced incredible success in terms of sales, praise within the industry, and wide-spread adoption throughout the golf industry and related fields of its Strata™ balls.

CERTIFICATE OF MAILING

I hereby certify that this Supplemental Communication is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on September 28, 1998.

By: Mary Ann Temesvari  
Mary Ann Temesvari

Applicant previously presented evidence of the outstanding commercial success of the Top-Flite® Strata™ golf ball in a Preliminary Amendment filed on July 23, 1998, concurrently with the filing of this application.


This Supplemental Communication is submitted to present additional information obtained since the filing of this application and Preliminary Amendment, pertaining to the commercial success of the present invention.

Exhibit 1 notes that the Strata™ ball is the number one multi-layer ball on tour. The significant advantage and increase in tour rankings by utilizing the Strata™ ball is also illustrated.

Exhibits 2-4 announce the winner of the 62nd Masters and the 1998 British Open, Mark O'Meara utilizing the Strata™ ball.

Exhibits 5 and 6 illustrate the remarkable commercial success and adoption in the industry of the Strata™ ball.

Respectfully submitted,  
FAY, SHARPE, BEALL,  
FAGAN, MINNICH & McKee



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EX-1



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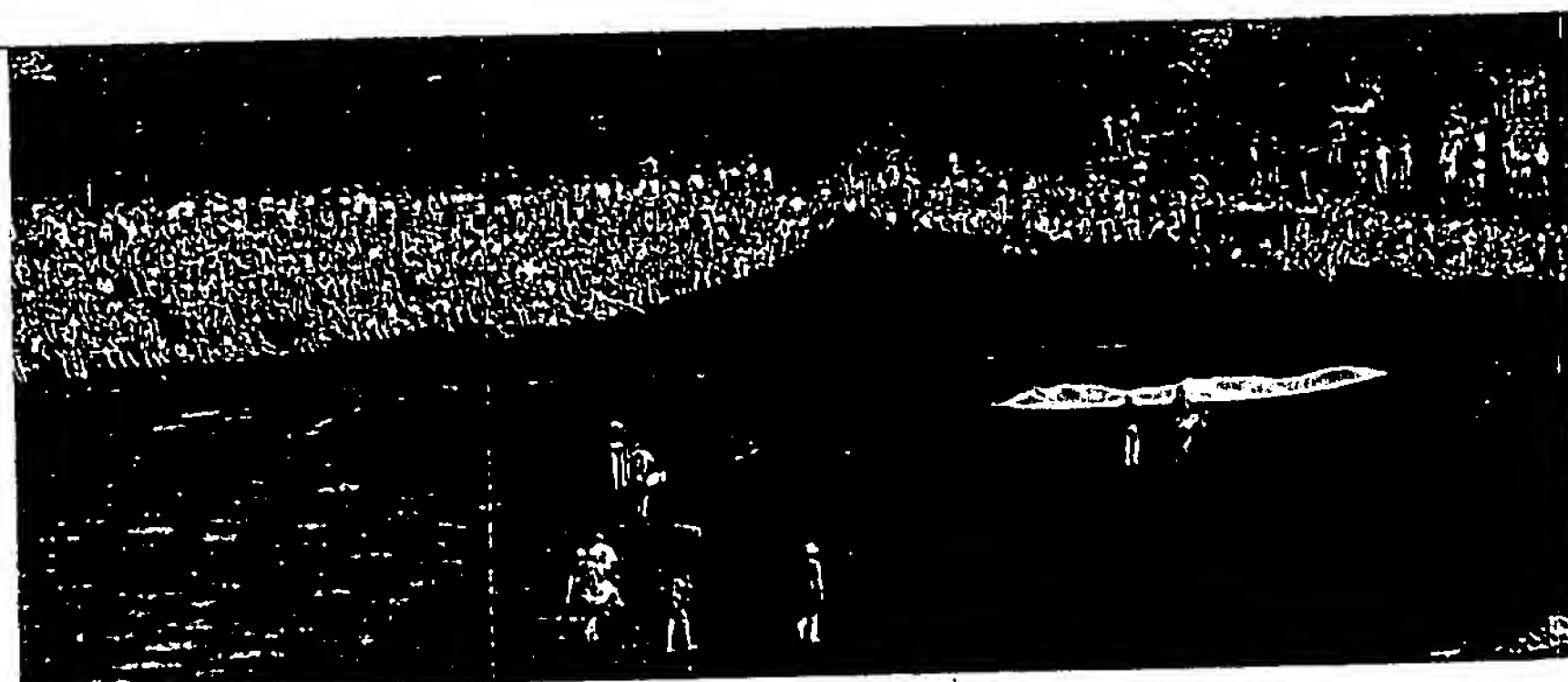
# STRATA: THE #1 MULTI-LAYER BALL ON TOUR.



Soft ZS Balata™  
cover for maximum  
spin control

Firm inner layer  
for distance

Soft, high  
energy core  
for Tour feel



In April 1996, Mark O'Meara switched from a wound ball and became the first PGA Tour Professional to play our new multi-layer Strata. Later that month, he used it to win the Greater Greensboro Open. In May, D.A. Weibring also switched to the Strata and he promptly won the Greater Hartford Open. Like anything else on Tour that performs this well, the ball caught on. Today, over 150 touring professionals representing every Tour worldwide make the Top-Flite Strata their ball of choice.

The Strata's breakthrough multi-layer

construction continues to redefine performance for top pros. Its firm inner layer produces long distance off the tee, while its super soft ZS Balata™ cover and patented high energy core combine



Jim Furyk. 11 TOP-TEN FINISHES,  
RYDER CUP TEAM MEMBER 1997

to produce unequaled spin and control around the green. What you get is a ball that performs from tee to green. One that helped Jim Furyk post 11 top-ten finishes during the 1997 season.

Of course, we've adapted the multi-layer technology to perform well for the low handicap player as well. The Strata Advance uses the same multi-layer Strata Tour construction. But it features a Hyper-Elastic inner layer for additional distance off woods and long irons

while the soft, cut-proof Z-Balata cover and high energy core deliver fantastic feel and spin on short irons around the green.

So, whether it's the Strata Tour for unmatched control or the

## TOUR RANKINGS

Tour Player	Before Strata	After Strata
Mark O'Meara	20	8
Jim Furyk	48	20
Paul Stankowski	55	26
Bill Glasson	52	39
David Ogren	103	59

Strata Advance for additional distance, why not buy a sleeve from your pro shop and test them against your regular ball? After all, the Strata's breakthrough multi-layer technology has worked for the top pros. We're confident it will help to improve your game as well.

In only eighteen months, 150 tour professionals worldwide have switched to the Strata Tour. With outstanding results, 28 first place finishes and hundreds more in the top ten.



Bill Glasson  
1997 LAS VEGAS  
INVITATIONAL



Mark O'Meara  
1997 AT&T PERDUE  
REACH PRO-AM



Paul Stankowski  
1997 UNITED AIRLINES  
HAWAIIAN OPEN



DEDICATED TO IMPROVING YOUR GAME.

**TOP-FLITE**



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Ex-2

# MEET THE NEW MASTERS CHAMPIONS: MARK O'MEARA AND TOP-FLITE STRATA.



Soft ZS Balata™  
cover for maxi-  
mum spin control

Firm inner layer  
for distance

Soft, high  
energy core  
for Tour feel



CONGRATULATIONS MARK O'MEARA,  
THE 62ND MASTERS CHAMPION

Top-Flite and Etonic congratulates  
Mark O'Meara for winning his first  
green jacket and his first major tourna-  
ment as a professional.



**SPALDING®**

**TOP-FLITE**

**Etonic**

EX-3



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# PLAY THE BALL THAT WON THE MASTERS AND THE BRITISH OPEN: TOP-FLITE.



MARK O'MEARA 1998 MASTERS CHAMPION  
1998 BRITISH OPEN CHAMPION

## 1998 MAJOR WINS

<i>TOP-FLITE</i>	2
Bridgestone	1
Maxfli	0
Titleist	0

Congratulations to Mark O'Meara on winning his second Major tournament of the year, adding the British Open's Claret Jug to his Master's Green Jacket. Mark plays the Top-Flite Strata, the new #1 ball in golf's Major Championships.



TECHNOLOGY TO IMPROVE YOUR GAME

**TOP-FLITE**

A TRADITION IN GOLF FOR OVER 100 YEARS. **SPALDING.**





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EX-14

# PLAY THE BALL THAT WON THE MASTERS AND THE BRITISH OPEN: TOP-FLITE.



MARK O'MEARA 1998 MASTERS CHAMPION  
1998 BRITISH OPEN CHAMPION

## 1998 MAJOR WINS

<b>TOP-FLITE</b>	2
Bridgestone	1
Maxfli	0
Titleist	0

Congratulations to Mark O'Meara on winning his second Major tournament of the year, adding the British Open's Claret Jug to his Master's Green Jacket. Mark plays the Top-Flite Strata, the new #1 ball in golf's Major Championships.



TECHNOLOGY TO IMPROVE YOUR GAME. **TOP-FLITE**

A TRADITION IN GOLF FOR OVER 100 YEARS. **SPALDING**

Ex-5



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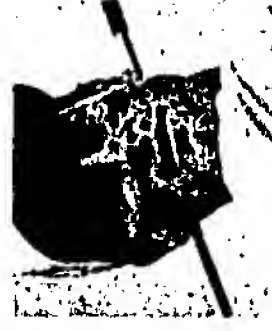
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# IN EIGHTEEN MONTHS OVER 250 TOUR PLAYERS HAVE SWITCHED TO THE TOP-FLITE® STRATA™ CARE TO JOIN THEM?



MARK O'MEARA



JIM FURYK



PAUL STANKOWSKI



CHRIS JOHNSON



AL GEIBERGER



CASEY MARTIN



ANDREW MAGEE



DAVID OGRIN



D.A. WEIBRING



DANA QUIGLEY



KELLI KUEHNE



RUSS COCHRAN



BILLY RAY BROWN



BRUCE SUMMERHAYES



LEN MATTIACE



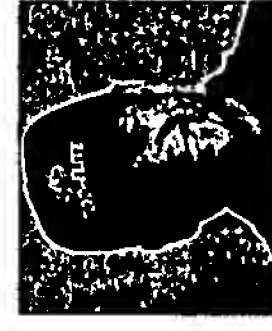
BRENT GEIBERGER



CRAIG STADLER



PAYNE STEWART



LEE TREVINO



STEVE PATE



JAY DON BLAKE



BRANDIE BURTON



BRUCE CRAMPTON



HAL SUTTON



MIKE BRISCOE



NEAL LANCASTER



DEWITT WEAVER



TERRY DILL



CAROLINE McMILLAN



PHIL TATARU

Since 1996, over 250 Tour professionals worldwide have switched to the Strata Tour. With outstanding results, 28 first place finishes and hundreds more in the Top Ten. Small wonder it's caught on. The Strata's breakthrough multi-layer

construction utilizes a firm inner layer that plays long off the tee, while its super-soft ZS Balata™ cover and patented high energy core combine for unequalled spin and control around the green. It's improved their game; without a doubt, it'll help yours.

DEDICATED TO IMPROVING YOUR GAME. **TOP-FLITE**

EX. 6



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Wendy Bonham	Steve Bonham	Gail Graham	Derrick Cooper	Kelli Kuehne	Ernie Gonzalez	Caroline Pierce	Richard Ames	Charles Coody	Anders Forsbrand	Joan Pitcock	Angie Ridgeway	Bob E. Smith	Peter Jordan	Heather Drew	Greg Bruckner	R.W. Eaks	Paul Stankowski	Laura Brown	Stephanie Maynor	Barb Mucha	Karen Noble	Kathy Postlewait	Leslie Spaulding	J.C. Anderson	Cliff Kresge	Clinton Whitelaw	Olie Karlsson	Jim Fyfe	Russ Cochran	Brad Bryant	Phil Tataurangi	Brent Geiberger	Bill Ray Brown	Tommy Armour III	Andrew Magee	John Adams	Scott Gump	John Morse	Steve Pate	Gene Sauers	Howard Twitty	Karen Davies	Shirley Furlong	Ellie Gibson	Sherr Turner	Kevin Altenhoff	Barry Chessman	Dennis Zinton	Mark Roe	Richard Boxall	David Tapping	Darren Lee	Robert Lee	Ben Tinning	Massimo Scarpa	Warren Bennett	Mike Harwood	Chris DiMarco	Lee Trevino	Joe Acosta	Billy Downes	Tommy Gillis	Chris Johnson	Andrew Oldcorn	Ed Fiori	Michael Long	Jeff Julian	John Elliot	Craig Ronald	Craig Stadler	Jay Don Blake	Mike Brisky	Brad Fabel	Fredrik Lindgren	D.A. Weibring	Mark O'Meara	Bill Glasson	Al Geiberger	Bruce Crampton	Peter Mitchell	Jarmo Sandelin	Tommy Aaron	Dewitt Weaver	Ross McFarlane	Richard Green	David Carter	Rodger Davis	Rolf Munz	Andrew Sandwell	Stephen Field	Massimo Florio	Darren Cole	John Bickerton	Neal Briggs
Wendy Bonham	Steve Bonham	Gail Graham	Derrick Cooper	Kelli Kuehne	Ernie Gonzalez	Caroline Pierce	Richard Ames	Charles Coody	Anders Forsbrand	Joan Pitcock	Angie Ridgeway	Bob E. Smith	Peter Jordan	Heather Drew	Greg Bruckner	R.W. Eaks	Paul Stankowski	Laura Brown	Stephanie Maynor	Barb Mucha	Karen Noble	Kathy Postlewait	Leslie Spaulding	J.C. Anderson	Cliff Kresge	Clinton Whitelaw	Olie Karlsson	Jim Fyfe	Russ Cochran	Brad Bryant	Phil Tataurangi	Brent Geiberger	Bill Ray Brown	Tommy Armour III	Andrew Magee	John Adams	Scott Gump	John Morse	Steve Pate	Gene Sauers	Howard Twitty	Karen Davies	Shirley Furlong	Ellie Gibson	Sherr Turner	Kevin Altenhoff	Barry Chessman	Dennis Zinton	Mark Roe	Richard Boxall	David Tapping	Darren Lee	Robert Lee	Ben Tinning	Massimo Scarpa	Warren Bennett	Mike Harwood	Chris DiMarco	Lee Trevino	Joe Acosta	Billy Downes	Tommy Gillis	Chris Johnson	Andrew Oldcorn	Ed Fiori	Michael Long	Jeff Julian	John Elliot	Craig Ronald	Craig Stadler	Jay Don Blake	Mike Brisky	Brad Fabel	Fredrik Lindgren	D.A. Weibring	Mark O'Meara	Bill Glasson	Al Geiberger	Bruce Crampton	Peter Mitchell	Jarmo Sandelin	Tommy Aaron	Dewitt Weaver	Ross McFarlane	Richard Green	David Carter	Rodger Davis	Rolf Munz	Andrew Sandwell	Stephen Field	Massimo Florio	Darren Cole	John Bickerton	Neal Briggs
Wendy Bonham	Steve Bonham	Gail Graham	Derrick Cooper	Kelli Kuehne	Ernie Gonzalez	Caroline Pierce	Richard Ames	Charles Coody	Anders Forsbrand	Joan Pitcock	Angie Ridgeway	Bob E. Smith	Peter Jordan	Heather Drew	Greg Bruckner	R.W. Eaks	Paul Stankowski	Laura Brown	Stephanie Maynor	Barb Mucha	Karen Noble	Kathy Postlewait	Leslie Spaulding	J.C. Anderson	Cliff Kresge	Clinton Whitelaw	Olie Karlsson	Jim Fyfe	Russ Cochran	Brad Bryant	Phil Tataurangi	Brent Geiberger	Bill Ray Brown	Tommy Armour III	Andrew Magee	John Adams	Scott Gump	John Morse	Steve Pate	Gene Sauers	Howard Twitty	Karen Davies	Shirley Furlong	Ellie Gibson	Sherr Turner	Kevin Altenhoff	Barry Chessman	Dennis Zinton	Mark Roe	Richard Boxall	David Tapping	Darren Lee	Robert Lee	Ben Tinning	Massimo Scarpa	Warren Bennett	Mike Harwood	Chris DiMarco	Lee Trevino	Joe Acosta	Billy Downes	Tommy Gillis	Chris Johnson	Andrew Oldcorn	Ed Fiori	Michael Long	Jeff Julian	John Elliot	Craig Ronald	Craig Stadler	Jay Don Blake	Mike Brisky	Brad Fabel	Fredrik Lindgren	D.A. Weibring	Mark O'Meara	Bill Glasson	Al Geiberger	Bruce Crampton	Peter Mitchell	Jarmo Sandelin	Tommy Aaron	Dewitt Weaver	Ross McFarlane	Richard Green	David Carter	Rodger Davis	Rolf Munz	Andrew Sandwell	Stephen Field	Massimo Florio	Darren Cole	John Bickerton	Neal Briggs
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HOWEVER, IT SEEMS TO  
BE CATCHING ON.